

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION

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April 27, 2004

FROM: MICHAEL E. HAYS, Director  
Land Use Services Department/Advance Planning Division

SUBJECT: A PROPOSED ORDINANCE AND RESOLUTION TO AMEND THE COUNTY  
GENERAL PLAN FIRE HAZARD OVERLAY MAPS AND TO CONSIDER AN  
ORDINANCE TO AMEND TITLE 8 OF THE COUNTY CODE RELATIVE TO FIRE  
SAFETY PROVISIONS

**RECOMMENDATION:**

- A) CONSIDER revised text to Subsection 85.020235(l) and (m) of the proposed ordinance amending the Development Code;
- B) APPROVE revised text;
- C) READ title only of the proposed ordinance amending the Development Code pertaining to the provisions for the Fire Safety Overlay District, the alteration of nonconforming uses, side yard setbacks for the six mountain planning areas, the design standards for planned developments, and the erosion and sediment control measures in the Desert and Valley Regions located within the Fire Safety Overlay District;
- D) READ title only of the proposed ordinance amending the County General Plan Fire Hazard Overlay Maps;
- E) WAIVE reading of the entire text for both ordinances;
- F) ADOPT the findings;
- G) FILE the Notice of Exemption; and

H) **Adopt proposed ordinance amending the County General Plan Fire Hazard Overlay Maps and the ordinance amending the Development Code** to Tuesday, May 4, 2004, at 10:00 a.m. for final adoption.

**BACKGROUND INFORMATION:** On April 20, 2004, the Board of Supervisors held a public hearing and the first reading of a proposed ordinance and resolution amending the County General Plan Fire Hazard Overlay Maps and a proposed ordinance amending the County Development Code ("the Ordinance") primarily pertaining to the Fire Safety Overlay District and continued the ordinances to April 27, 2004 for final adoption. Shortly after the Board action, additional public comments were received by staff indicating that two subsections of the Development Code Amendment needed further clarification.

After consideration of these comments and of the text in Section 4 of the Ordinance, staff believes that the proposed language in Subsections 85.020235(l) and (m) should be clarified. Staff is submitting the following language to substitute for these subsections as they were submitted to the Board of Supervisors on April 20, 2004. These subsections are found on page

**DEFERRED/ APPROVED AS AMENDED  
CONTINUED FOR ADOPTION OF ORDINANCES  
TO TUE, 5/4/04 @ 10 A.M.**

**BOARD OF SUPERVISORS  
COUNTY OF SAN BERNARDINO**

MOTION	<u>AYE</u>	<u>MOVE</u>	<u>AYE</u>	<u>AYE</u>	<u>SECOND</u>
	1	2	3	4	5

**J. RENEE BASTIAN, CLERK OF THE BOARD**

BY \_\_\_\_\_

**DATED: April 27, 2004**

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ITEM 047

**A PROPOSED ORDINANCE AND RESOLUTION TO AMEND THE COUNTY GENERAL PLAN  
FIRE HAZARD OVERLAY MAPS AND TO CONSIDER AN ORDINANCE TO AMEND TITLE 8  
OF THE COUNTY CODE RELATIVE TO FIRE SAFETY PROVISIONS**

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20, line 13 through 27 of the attached ordinance. The new or amended verbiage is highlight in yellow.

**85.020235                      Project Design Requirements.**

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(l)            Residential Density: In order to reduce fire hazards, prevent erosion, and to preserve the existing vegetation and visual quality, the density of development for any tentative parcel map or tentative tract map in sloping hillside areas shall be in accordance with the following criteria: One to four (1-4) dwelling units per gross acre on slopes of zero to less than fifteen percent (0-<15%), two (2) dwelling units per gross acre on slopes of fifteen to less than thirty percent (15-<30%), one (1) dwelling unit per three (3) gross acres on slopes of greater than thirty percent (30%) gradient. In the West Valley Foothills Planning Area, zero density is allowed for any portion of a proposed tentative parcel map or tentative tract map on slopes of greater than thirty percent (30%) gradient.

(m)            When twenty-five percent (25%) or more of a subdivision project site involving five or more lots is located on natural slopes greater than thirty percent (30%), the subdivision application shall be submitted concurrently with a Planned Development application to evaluate appropriate project design in consideration of topographic limitations of the site. This provision shall not apply if all of the areas on the site with natural ungraded slopes over thirty percent (30%) are permanently restricted from structural development.

**REVIEW AND APPROVAL BY OTHERS:** These changes to the ordinance amending the Development Code were reviewed and approved by Deputy County Counsel Robin Cochran on April 26, 2004, and were reviewed and approved by the County Administrative Office, Patricia M. Cole, Administrative Analyst III (387-5346) on April 26, 2004.

**FINANCIAL IMPACT:** There are no financial impacts associated with this item.

**SUPERVISORIAL DISTRICT(S):** 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup>

**PRESENTER:** Michael E. Hays, Director, 387-4141.

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